

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DAVID JONES,)	
)	
Plaintiff,)	
)	
v.)	No. 19-257C
)	(Judge Campbell-Smith)
UNITED STATES,)	
)	
Defendant.)	

**DEFENDANT’S MOTION TO EXTEND
TIME TO REPLY IN SUPPORT OF ITS MOTION TO DISMISS**

Pursuant to Rules 6(b) and 6.1 of the Rules of the United States Court of Federal Claims (RCFC), defendant, the United States, respectfully requests that the Court extend the time for the United States to submit its reply brief in support of its motion to dismiss by 63 days, until and through August 16, 2019. *See* Dkt. No. 16. Pursuant to RCFC 7.2(b)(2) the reply brief is currently due on June 14, 2019, and the United States has not previously requested an extension of time to file the reply brief in this matter. Counsel for plaintiffs has stated to counsel for the defendant that plaintiff does not oppose the United States’ request for an extension of time to file its reply brief in support of its motion to dismiss, provided that plaintiffs’ counsel in the other cases do not oppose.

On May 3, 2019, the United States filed a motion to dismiss this case. Dkt. No. 15. A similar motion to dismiss was filed in 11 of the other directly-related cases on that same day. *See Tarovisky*, No. 19-4C, Dkt. No. 28; *Avalos*, No. 19-48C, Dkt. No. 21; *D.P.*, No. 19-54C, Dkt. No. 23; *Arnold*, No. 19-59C, Dkt. No. 25; *Hernandez*, No. 19-63C, Dkt. No. 25; *Rowe*, No. 19-67C, Dkt. No. 24; *Plaintiff No. 1*, No. 19-94C, Dkt. No. 37; *I.P.*, No. 19-95C, Dkt. No. 25; *Anello*, No. 19-118C, Dkt. No. 26; *Richmond*, No. 19-161C, Dkt. No. 23; and *Baca*, No. 19-

213C, Dkt. No. 33. In addition, a motion to dismiss was filed in *Abrantes*, No. 19-129C, on May 17, 2019. Dkt. No. 23. Plaintiffs in this case filed their response to defendant's motion to dismiss on May 31, 2019, Dkt. No. 16, making the United States' reply, under RCFC 7.2(b)(2), due on June 14, 2019.

Although plaintiffs in this case filed their response to the Government's motion to dismiss on May 31, 2019, the Court has extended time for the plaintiffs in seven cases to file their motions to dismiss. *See Tarovisky*, No. 19-4C, Dkt. No. 28 (extension granted until June 21, 2019); *D.P.*, No. 19-54C, Dkt. No. 23 (same); *Arnold*, 19-59C, Dkt. No. 27 (same); *Hernandez*, No. 19-63C, Dkt. No. 27 (same); *Rowe*, No. 19-67C, Dkt. No. 26 (same); *I.P.*, No. 19-95C, Dkt. No. 30 (same); and *Richmond*, No. 16-161C, Dkt. No. 25 (same). In addition, the response to the Government's motion to dismiss in *Abrantes*, No. 19-129C, is due on June 14, 2019. *See* Dkt. No. 23. Further, the Government filed a renewed motion to dismiss in *Plaintiff No. 1*, No. 19-94C, Dkt. No. 42, and plaintiffs' response in that case is due July 1, 2019. As it did with its replies in support of its motions to consolidate, the United States intends to file separate replies in each case. An extension of time, until and through August 16, 2019, to reply in support of defendant's motion to dismiss in this case is necessary so that, before replying to any of the responses, defendant may fully review and address the views of each of the 13 respective plaintiffs in these directly-related cases and thereby provide the Court with comprehensive briefing on the motions to dismiss. In addition, the requested time is necessary because lead counsel in this case has pre-trial briefing due on June 14, 2019, and will be preparing for trial in Seattle, Washington, which will occur from July 8-19, 2019. *See LCC-MZT Team IV v. United States*, No. 16-1406C, Dkt. Nos. 64, 67. Further, permitting additional time to reply will also allow defendant to proceed through the necessary internal review process at the

Department of Justice. Counsel for plaintiff has stated to counsel for the defendant that plaintiff does not oppose the United States' request for an extension of time to file its reply brief in support of its motion to dismiss, provided that plaintiffs' counsel in the other cases do not oppose.

CONCLUSION

Accordingly, the United States respectfully requests the Court to extend its time to reply to plaintiffs' response to defendant's motion to dismiss until and through August 16, 2019.

Respectfully submitted,

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Dated: June 5, 2019

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CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of June, 2019, a copy of the foregoing
“DEFENDANT’S MOTION TO EXTEND TIME TO REPLY IN SUPPORT OF
ITS MOTION TO DISMISS” was filed electronically. This filing was served electronically to
all parties by virtue of the court’s electronic filing system.

/s/ Erin K. Murdock-Park
ERIN K. MURDOCK-PARK